



Office of the Clerk  
**United States Court of Appeals for the Ninth Circuit**  
Post Office Box 193939  
San Francisco, California 94119-3939  
415-355-8000

Molly C. Dwyer  
Clerk of Court

November 03, 2014

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No.: 14-17172  
D.C. No.: 3:14-cv-02782-JD  
Short Title: TIBCO Software, Inc. v. Bank of America Corporation,  
et al

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Dear Appellant/Counsel

A copy of your notice of appeal/petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

Please furnish this docket number immediately to the court reporter if you place an order, or have placed an order, for portions of the trial transcripts. The court reporter will need this docket number when communicating with this court.

**The due dates for filing the parties' briefs and otherwise perfecting the appeal have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the appellant to comply with the time schedule order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1.**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

NOV 03 2014

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

TIBCO SOFTWARE, INC.,

Plaintiff - Appellant,

v.

BANK OF AMERICA  
CORPORATION; BANK OF  
AMERICA NATIONAL  
ASSOCIATION; MERRILL LYNCH,  
PIERCE, FENNER & SMITH INC.,

Defendants - Appellees.

No. 14-17172

D.C. No. 3:14-cv-02782-JD  
U.S. District Court for Northern  
California, San Francisco

**TIME SCHEDULE ORDER**

The parties shall meet the following time schedule.

If there were reported hearings, the parties shall designate and, if necessary, cross-designate the transcripts pursuant to 9th Cir. R. 10-3.1. If there were no reported hearings, the transcript deadlines do not apply.

**Mon., November 10, 2014** Mediation Questionnaire due. If your registration for Appellate ECF is confirmed after this date, the Mediation Questionnaire is due within one day of receiving the email from PACER confirming your registration.

**Mon., December 1, 2014** Transcript shall be ordered.

**Tue., December 30, 2014** Transcript shall be filed by court reporter.

**Mon., February 9, 2015** Appellant's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.

**Tue., March 10, 2015** Appellees' answering brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.

**The optional appellant's reply brief shall be filed and served within fourteen days of service of the appellees' brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.**

**Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.**

FOR THE COURT:  
Molly C. Dwyer  
Clerk of Court

Ruben Talavera  
Deputy Clerk